

Docket No. 94100411(EP)USC1X1C1C1 PDDD
USSN: 09/689,120

PATENT
Art Unit: 2613

REMARKS

This Amendment is in response to the Office Action mailed March 23, 2005. Claims 1-41 are pending in the present application. In the Office Action, the Examiner rejected claims 1-4 for non-statutory double patenting, rejected claims 5, 7, 10-31, 33-35, and 37-39 under 35 U.S.C. § 102(e), and rejected claims 6, 8-9, 32, 36, and 40-41 under 35 U.S.C. § 103(a). Applicant has amended claims 5, 13, 16, 20, 26, and 29. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. DOUBLE PATENTING REJECTION

The Examiner has rejected claims 1-4 under the judicially created doctrine of nonstatutory double patenting. In response applicant files a terminal disclaimer with respect to claims 1-4. Applicant contends that claims 1-4 are in a condition for allowance.

REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 5, 7, 10-31, 33-35, and 37-39 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,168,356 issued to Acampora, et al. ("Acampora"). Applicant has amended independent claims 5, 13, 16, 20, 26, and 29. Applicant respectfully traverses the rejections for the following reasons.

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I.

Acampora does not teach, suggest, or describe processing the received video data in accordance with the video standard corresponding to the identified start code, including using an optional extension data.

Acampora is an apparatus for segmenting encoded video signals for transmission. The present claims include using extension data associated with the respective different standards, in conjunction with the start codes that are used to identify the different standards. As shown in column 133 of Wise, the parent to the present application, the coding standards provide a number of mechanisms to allow data to be embedded in the data stream whose use is not currently defined by the coding standard. This might be, for instance, "extension data . . . preceded by start/marker codes can be detected by the start code detector." The prior art does not teach, suggest, or describe the use of extension data in association with the start codes. As such, the present claims are not anticipated by the prior art. Therefore, Applicant respectfully requests that rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 6, and 8-9 under U.S.C. § 103(a) as being unpatentable over Acampora, in view of U.S. Patent No. 5,220,325 issued to Ackland, et al. ("Ackland"). Applicant respectfully traverses the rejection because since the prior art does not teach, describe, or suggest "processing the received video data in accordance with the video standard corresponding to the identified start code, including using an optional extension data," it is not obvious to perform such a step when combined with Ackland. Therefore, Applicant believes that claims 6 and 8-9 are distinguishable over the cited prior art references and not

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obvious. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

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